

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

MABOR MADOL and KAW NGONG, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

DAN NELSON AUTOMOTIVE GROUP,
d/b/a J.D. BYRIDER SALES, SOUTH
DAKOTA AUTO GROUP, INC., d/b/a J.D.
BYRIDER, SOUTH DAKOTA
ACCEPTANCE CORPORATION, d/b/a J.D.
BYRIDER SALES & CNAC, DAN NELSON
FINANCE SUPER CENTER, CARNOW
ACCEPTANCE COMPANY (CNAC), d/b/a
SOUTH DAKOTA ACCEPTANCE CORP.
and DANIEL A. NELSON,

Defendants.

Civil No. 4:03-CV-90259

MOTION TO DISMISS WITHOUT PREJUDICE

COME NOW the Plaintiffs, Mabor Madol and Kaw Ngong, pursuant to Rule 41(a)(2), of the Federal Rules of Civil Procedure and respectfully move this Court to grant an Order allowing the dismissal of this action without prejudice, and in support thereof state:

1. Since the filing of this action, all of the Defendants have been adjudicated as bankrupt in this proceeding.
2. The Plaintiffs' claims have been held to be subject to mandatory arbitration.
3. No counter-claim or cross-claims have been filed in this matter.

4. It is in the interests of justice that the Court dismiss the Plaintiffs' action without prejudice.

WHEREFORE, the Plaintiffs, Mabor Madol and Kaw Ngong, respectfully pray that the Court dismiss this matter without prejudice.

Respectfully submitted,

CeCelia C. Ibson AT0008242
SMITH, SCHNEIDER, STILES & SERANGELI, P.C.
604 Locust Street, 10th Floor
Des Moines, Iowa 50309-3715
Telephone: 515/245-6789
Facsimile: 515/244-1328
E-mail: cibson@smithlawiowa.com

ATTORNEYS FOR PLAINTIFFS
AND CLASS REPRESENTATIVES